

REMARKS

Claims 1-10 are pending in the present application.

The Examiner has required election in the present application between Groups I-III, as set forth on page 2 of the outstanding Office Action.

For the purpose of examination of the present application, Applicants elect, with traverse, Group 1, wherein claims 1-4 read upon the elected subject matter and are drawn to the process of preparing the compound of formula I.

Applicants traverse in that there is no undue burden to search the other Groups. The Examiner states that Group I is a mutually exclusive species from that of Groups II-III. However, claims 1-4 are directed to a method using a compound of formula II or IV (an intermediate), and any consideration of such a formula would also mean consideration of the specific compounds of those claims classified in Groups II-III. Also, the claims of Groups II-III depend on claim 1. Furthermore, the Examiner has also not shown how the intermediates would be used for some other final product, or identified another final product (Office Action, page 2). Thus, rejoinder of Groups II and III with Group I is respectfully requested.

Related Application

As the Examiner is presumably fully aware, Applicants note for the record that copending Application No. 10/572,370, which is assigned to the same Examiner, is directed to a method for making quetiapine. It is submitted that the claims of the present application and the related copending application are patentably distinct; however, Applicants want the record to reflect that the Examiner has been advised of the existence of the copending application. Also, an

Information Disclosure Statement is being concurrently filed with this reply that cites the publication of the '370 application.

Conclusion


An early and favorable action on the merits of this application is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Registration No. 48,501 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: December 3, 2009

Respectfully submitted,

By  #48,501

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